



House of Representatives

General Assembly

File No. 169

January Session, 2001

House Bill No. 6625

House of Representatives, April 9, 2001

The Committee on Government Administration and Elections reported through REP. KNOPP of the 137th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE PROHIBITION ON FORMER OFFICIALS AND EMPLOYEES ACCEPTING EMPLOYMENT WITH STATE CONTRACTORS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (f) and (g) of section 1-84b of the general
2 statutes are repealed and the following is substituted in lieu thereof:

3 (f) No former public official or state employee (1) who participated
4 substantially in the negotiation or award of (A) a state contract valued
5 at an amount of fifty thousand dollars or more or (B) a written
6 agreement for the approval of a payroll deduction slot described in
7 section 3-123g, or (2) who supervised the negotiation or award of such
8 a contract or agreement, shall accept employment with a party to the
9 contract, [or] agreement or negotiation other than the state for a period
10 of one year after [his] the public official's or state employee's
11 resignation from [his] state office or [position] state employment if
12 [his] such resignation occurs less than one year after [the contract or

13 agreement is signed] (A) the signing of the contract or agreement, or
14 (B) the date the official or employee ceases to participate substantially
15 or supervise the negotiation or award of the contract or agreement, as
16 determined by regulations which the commission shall adopt, in
17 accordance with chapter 54.

18 (g) No member or director of a quasi-public agency who
19 participates substantially in the negotiation or award of a contract
20 valued at an amount of fifty thousand dollars or more, or who
21 supervised the negotiation or award of such a contract, shall seek,
22 accept, or hold employment with a party to the contract or negotiation
23 for a period of one year after (1) the signing of the contract, or (2) the
24 date the member or director ceases to participate substantially in the
25 negotiation or award of the contract, as determined by regulations
26 which the commission shall adopt, in accordance with chapter 54.

27 Sec. 2. This act shall take effect July 1, 2001.

GAE *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: State Ethics Commission

Municipal Impact: None

Explanation**State Impact:**

The bill clarifies existing law, and does not expand the Ethics Commission's jurisdiction. Thus, there is no fiscal impact resulting from passage of this bill.

OLR Bill Analysis

HB 6625

AN ACT CONCERNING THE PROHIBITION ON FORMER OFFICIALS AND EMPLOYEES ACCEPTING EMPLOYMENT WITH STATE CONTRACTORS.**SUMMARY:**

This bill extends existing restrictions on who certain state officials and employees and quasi-public agency directors and members can work for after they leave state or quasi-public agency employment. By law, former public officials, state employees, and directors and members of quasi-public agencies who substantially participate in or supervise the negotiation or award of (1) contracts worth \$50,000 or more or (2) agreements regarding state payroll check deductions for products or services cannot accept a job with a party to the contract or agreement, other than the state, within one year after they resign if they resign less than a year after the contract or agreement is signed.

This bill expands the prohibition to include (1) parties to the negotiations for a covered contract or agreement who do not become a party to the contract or agreement and (2) former public officials and state employees who negotiate a covered contract or agreement but resign before it is signed.

The bill establishes a second period during which public officials, state employees, and directors and members of quasi-public agencies are prohibited from taking a job with a party to a contract or agreement. It prohibits former officials and employees from taking a job within one year of resigning from state service if the resignation occurs less than one year after they stopped substantially participating in the negotiations. It prohibits quasi-public directors and members from seeking or taking a job within one year after they cease substantial participation in the negotiations (see COMMENT).

Lastly, the bill requires the State Ethics Commission to determine, in regulations, when a person ceases to participate substantially.

EFFECTIVE DATE: July 1, 2001

EMPLOYMENT BY UNSUCCESSFUL PARTIES TO NEGOTIATIONS

The bill prohibits the former public officials, state employees, and directors and members of quasi-public agencies from accepting a job with a party to the negotiations for a covered contract or agreement who does not become a party to the contract or agreement. If the negotiations do not result in a contract, the ban for former officials and employees is one year after the person resigns if he resigns within one year after he stopped substantially participating in or supervising the negotiations and for quasi-public agency directors and members, one year after they cease substantial participation in the negotiations.

POST-EMPLOYMENT RESTRICTIONS ON PEOPLE WHO RESIGN BEFORE A CONTRACT IS SIGNED

The bill prohibits officials and employees who negotiate a covered contract or agreement but resign before it is signed from accepting a job with a party to a state contract or agreement for one year after his resignation if they resign within one year after stopping substantial participation in or supervision of the negotiations.

BACKGROUND

Substantial Participation

State Ethics Commission regulations define “substantial participation” in the same way that phrase is used in a prohibition against former executive branch and quasi-public agency officials and state employees representing anyone, other than the state, in any matter in which they participated personally and substantially while in state service. “Substantial participation” means participation that was direct, extensive, and substantive, not peripheral, clerical, or ministerial.

COMMENT

Prohibition Period

Current law, unchanged by the bill, prohibits public officials, state

employees, and directors and members of quasi-public agencies from accepting a job with a party to contract negotiations within one year after they resign if the resignation occurs less than a year after the contract or agreement is signed. The bill creates an ambiguity by failing to specify whether this time period or the one established under the bill is controlling. For example, if a state employee's involvement in contract negotiations ended on 10/30/00 but the contract was not signed until 12/30/00, a question arises with respect to the employee's ability to take a job with a party to the contract on 11/01/01 (more than a year after he stopped participating but within a year after the contract was signed).

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Report

Yea 20 Nay 0